## ILLINOIS POLLUTION CONTROL BOARD January 7, 2010

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 07-133
	)	(Enforcement - Water)
THOMAS P. MATHEWS,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.K. Zalewski):

On June 8, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Thomas P. Mathews (respondent or Mathews). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns respondent's property bordering a small unnamed stream that leads to Wonder Lake, located at the intersection of Westmoor Drive and East Oakwood Drive in Wonder Lake, McHenry County.

The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008<sup>1</sup>)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a) and 12(d) of the Act (415 ILCS 12(a), (d) (2008)) in 2005 by: (1) causing, allowing or threatening to cause water pollution, and (2) depositing large piles of fill material on his property in such place and manner so as to create a water pollution hazard.

On December 31, 2009, the People and Mathews filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Mathews does not admit to the alleged violations, but agrees to pay a civil penalty of \$5,000.

<sup>&</sup>lt;sup>1</sup> All citations to the Act will be to the 2008 compiled statutes because the provisions at issue have not been substantively amended in the 2008 compiled statutes.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. See 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 7, 2010, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board